

Applicants: Paul Simmons et al.
Serial No.: 10/813,747
Filed : March 29, 2004
Page 5

REMARKS

Claims 1-78 are pending in the subject application. Applicants have hereinabove cancelled claims 1-78 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. In addition, applicants have added new claims 79-90. Support for new claim 79 can be found in the specification as originally filed at, inter alia, page 7, lines 4-10; page 9, lines 9-11; and page 18, lines 1-5. Support for new claims 80-81 can be found in the specification as originally filed at, inter alia, page 1, lines 7-11; page 13, lines 14-21; and page 43, line 28 to page 44, line 10. Support for new claim 82 can be found in the specification as originally filed at, inter alia, page 12, lines 25 to 31; and at page 14, lines 27 to 32. Support for new claim 83 can be found in the specification as originally filed at, inter alia, page 6, lines 11-13. Support for new claims 84, 85 and 90 can be found in the specification as originally filed at, inter alia, page 7, lines 4-23. Support for new claim 86 can be found in the specification as originally filed at, inter alia, page 10, lines 15-20. Support for new claims 87, 88 and 89 can be found in the specification as originally filed at, inter alia, page 10, lines 22-28. Applicants maintain that new claims 79-90 raise no issue of new matter. In addition, applicants have hereinabove amended the priority paragraph of the specification on page 1 to update the information contained therein. Accordingly, applicants respectfully request entry of this Amendment.

Restriction Requirement Under 35 U.S.C. §121

The December 15, 2006 Office Action imposes a restriction requirement under 35 U.S.C. §121 of the claims among twelve (12)

Applicants: Paul Simmons et al.
Serial No.: 10/813,747
Filed : March 29, 2004
Page 6

groups of claims.

In response, applicants have canceled previous claims 1-78 and added new claims 79 to 90. Applicants maintain that new claims 79-90 are related to Examiner's claim group XI, i.e. drawn to a method of enriching for mesenchymal precursor cells based on the presence of the marker Stro-1^{bright} group. More importantly, claims 79-90 involve a single independent claim and are all clearly directed to a single inventive concept.

Accordingly, applicants respectfully request that the Examiner examine new claims 79-90 on the merits.